

REMARKS

The present application includes pending claims 1-38, all of which have been rejected. Claim 33 has been amended.

Claims 1-9, 11-15 and 24-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,813,775 ("Finseth") in view of U.S. 5,857,190 ("Brown"). Claims 16-23 and 33-38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 7,065,778 ("Lu") in view of Finseth. Claims 10 and 32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth in view of Brown and Lu. The Applicants respectfully traverse these rejections for at least the following reasons:

I. The Proposed Combination Of Finseth and Brown Does Not Render Independent Claim 1 Unpatentable

Independent claim 1 recites, in part, "notifying the at least a second user, via the communication network, of the consumption of the requested media by the first user, if the pre-defined set of characteristics for the requested media matches the at least one user-selected characteristic [associated with media]; and refraining from notifying the at least a second user, via the communication network, of the consumption of the requested media by the first user, if the pre-defined set of characteristics for the requested media does not match the at least one user-selected characteristic [associated with media]." The Office Action cites Finseth as disclosing these limitations.

Finseth "relates to systems and methods for presenting media programs to subscribing viewers, and in particular to a system and method for sharing viewer preferences among viewers." Finseth at column 1, lines 16-19. Finseth discloses a method that "transmit[s] at least

a portion of the first viewer preference information to a second user for storage in a memory of a second user device.” *See id.*

The Office Action cites Finseth at column 12, lines 30-45 and column 15, lines 52-65 as disclosing the limitations recited above. *See* April 10, 2008 Office Action at page 4. Thus, the Applicants will address each of these cited portions.

First, Finseth states the following:

A user must also select what information to share with the selected recipient, as represented by box 134. A user may choose to share the entire contents of his/her user-specific sub-history table with the selected recipient. A user may choose to tell the recipient only about a specific television program. Using remote control 86 (FIG. 3) or another input device such as an infrared keyboard, a user can also share specific comments or reviews regarding a television program. However, for privacy reasons, a user may wish to send only summary or depersonalized information regarding his or her viewing preferences where only certain attributes from his or her preference history are shared with others.

Receiver 64 then transmits at least a portion or a processed version of the selected viewing preference information to the selected recipient (e.g. second user) via telephone lines or the Internet, which is represented in box 136.

Finseth at column 12, lines 30-45. The user-specific sub-history table stores “attributes of the television program viewed by a user.” *See id.* at column 12, lines 20-23.

Notably, the cited portion of Finseth above discloses that a user **must** select which information to share with a recipient. Once selected, that information is then shared with the recipient. However, this cited portion of Finseth does not describe, teach or suggest that such information is shared only if pre-defined characteristics of media match user-selected characteristics. That is, this portion of Finseth does not describe, teach or suggest “notifying the at least a second user, via the communication network, of the consumption of the requested

media by the first user, if the **pre-defined set of characteristics for the requested media matches the at least one user-selected characteristic [associated with media]**; and refraining from notifying the at least a second user, via the communication network, of the consumption of the requested media by the first user, if the **pre-defined set of characteristics for the requested media does not match the at least one user-selected characteristic [associated with media]**,” as recited in claim 1. Instead, as noted above, a user selects information to share, and then that information is sent to the recipient without any determination as to whether that information matches or does not match another set of information.

Next, Finseth recites the following:

The "How Much Detail?" category 198 allows a user to control the amount of viewing preference information to share with the destination. For privacy reasons, a user may not wish to share the entire contents of his/her user-specific sub-history table. Instead, a user may only wish to share a summary of the attributes contained therein. A summary would not include the titles of the viewed television programs or the channel definitions of the channels where the program was shown, but would include certain attributes of the viewed programs so that only a user's general viewing preferences would be communicated to others. A user could further restrict the amount of information communicated to others by specifically selecting contents of its sub-history table to be sent.

See id. at column 15, lines 52-65. This portion of Finseth discloses that a user can control the amount of preference information to share with others. That is, the user may share a sub-set of the information within his/her sub-history table. Similar to the other cited portion of Finseth, though, this portion does not describe, teach or suggest “notifying the at least a second user, via the communication network, of the consumption of the requested media by the first user, if the **pre-defined set of characteristics for the requested media matches the at least one user-selected characteristic [associated with media]**; and refraining from notifying the at least a

second user, via the communication network, of the consumption of the requested media by the first user, if the **pre-defined set of characteristics for the requested media does not match the at least one user-selected characteristic [associated with media]**,” as recited in claim 1.

Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claim 1 as being unpatentable over Finseth in view of Brown. The Applicants respectfully submit that the proposed combination of Finseth and Brown does not render claims 1-9 unpatentable.

II. The Proposed Combination Of Finseth and Brown Does Not Render Independent Claims 11 and 24 Unpatentable

Claim 11 recites, in part, “sending a notification via a communication network if the pre-defined set of characteristics for the requested media matches the at least one media characteristic [associated with a user]; and refraining from sending a notification if the pre-defined set of characteristics for the requested media does not match the at least one media characteristic [associated with a user].” Independent claim 24 recites similar limitations. The Applicants respectfully submit that the proposed combination of Finseth and Brown does not render claims 11-15 and 24-31 unpatentable for at least the reasons discussed above with respect to claim 1.

III. The Proposed Combination Of Lu and Finseth Does Not Render Independent Claim 16 Unpatentable

Claim 16 recites, in part, “server software that ... notifies, via a communication network, the associated second network address if the at least one media characteristic [associated with the second user] matches the at least one pre-defined characteristic.” Independent claim 33 recites similar limitations. The Applicants respectfully submit that the proposed combination of Lu and

Finseth does not render claims 16-23 and 33-38 unpatentable for at least the reasons discussed above.

IV. The Proposed Combination Of Finseth, Brown And Lu

The Applicants respectfully submit that the proposed combination of Finseth, Brown and Lu does not render claims 10 and 32 unpatentable for at least the reasons discussed above.

V. Conclusion

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: May 9, 2008

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